

Exhibit 9

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 SAN JOSE DIVISION

4 -----X

5 CISCO SYSTEMS, INC.,

6 Plaintiff,

7 v.

Case No.:

8 ARISTA NETWORKS, INC.,

5:14-cv-05344-BLF (PSG)

9 Defendant.

10 -----X

11
12 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

13
14 VIDEOTAPED DEPOSITION OF JEFFREY WHEELER

15
16 November 12, 2015

17
18 9:33 a.m. - 5:55 p.m.

19
20
21 Richmond, Virginia

22 Job No. 2183991

23 REPORTED BY:

24 Kimberly L. Ribaric, RPR, CCR

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1 for your invention outside of the unified 11:21:40
2 messaging product? 11:21:43
3 A. I am not aware of any, no. 11:21:44
4 Q. In your 14 to 15 years of experience 11:21:50
5 since coming up with the '526 invention, have you 11:22:18
6 seen other instances where your invention was used 11:22:23
7 outside of the unified messaging product? 11:22:30
8 MR. TUNG: I'll object to the extent it 11:22:33
9 calls for a legal conclusion. 11:22:37
10 THE WITNESS: No. 11:22:38
11 BY MR. KRISHNAN: 11:22:39
12 Q. Let's talk a little bit about the work 11:22:48
13 that you were doing on Cisco that led to the 11:23:01
14 patent. 11:23:05
15 Was there a particular product feature 11:23:06
16 that you would say was the work that you did 11:23:09
17 that -- that led to the patent? 11:23:13
18 A. In particular, it was more combining 11:23:16
19 developer tools and manual steps into a single 11:23:27
20 tool with the common syntax and usage. 11:23:33
21 Q. Was this product referred to within Cisco 11:23:39
22 as the UM CLI project? 11:23:45
23 A. UM CLI tool was the -- was the name given 11:23:47
24 to it. Later, the name I think changed to UC CLI. 11:23:53
25 But that's, yeah, how it would have been referred 11:24:02

1 to on the -- the functional specification 11:24:05
2 documents. And it was also the name at the -- 11:24:09
3 that you actually would type in. 11:24:12
4 Q. Okay. And what -- what would you say was 11:24:14
5 the value added of the UM CLI tool? 11:24:16
6 A. The value would be that you did not need 11:24:22
7 to remember lots and lots of different commands 11:24:26
8 and syntaxes. It would also -- would also run, if 11:24:31
9 you will, precommands and postcommands for 11:24:43
10 external executables. 11:24:46
11 So if we needed to run -- before the 11:24:53
12 tool, if we needed to run a program, we would have 11:24:57
13 to set up environmental variables, and we might 11:25:04
14 need to get into a specific directory before we 11:25:08
15 would execute the command. And then after, we 11:25:13
16 would execute an external command, we would have 11:25:16
17 to interpret the return code. So the tool did all 11:25:20
18 of that as well, it's just executing the external 11:25:24
19 command. 11:25:27
20 The external command was one of the 11:25:31
21 features of the UM CLI tool. It also -- it also 11:25:34
22 had logic to do different things, like display 11:25:39
23 statistics and counters for the running UM -- 11:25:45
24 other running UM components. 11:25:50
25 Q. Would you say that all of these 11:26:14

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1	Q. Yeah. Let's say at the time Cisco	11:50:34
2	acquired Amteva.	11:50:39
3	A. It would have been QuickConfig, the ones	11:50:39
4	we -- most of the ones we went over. QuickConfig,	11:50:45
5	UM CLI, SNMP. Probably those three were the --	11:50:43
6	those were the first three. The others came in	11:50:50
7	the following years.	11:50:56
8	Q. I think the other ones you mentioned were	11:51:00
9	UM manager and Reporting Central?	11:51:04
10	A. UM manager and Reporting Central,	11:51:06
11	correct.	11:51:10
12	There was other -- other things I was --	11:51:17
13	not tools that my group would develop, but I would	11:51:22
14	have input into other development teams' features	11:51:27
15	such that I would write requirements about the	11:51:34
16	logging specifications for the other components.	11:51:39
17	So nothing that we developed, but more I had input	11:51:43
18	into the requirements of those products.	11:51:48
19	Q. Were those also OA&M tools?	11:51:50
20	A. No. They were -- they were core	11:51:54
21	process -- I would call them modules that would	11:52:01
22	handle answering calls, leaving messages, sending	11:52:06
23	faxes, doing the core product functionality.	11:52:11
24	Q. Okay. How would you define the contours	11:52:16
25	of what is OA&M versus not?	11:52:22

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1 A. OAM was responsible for everything that 11:52:26
2 the product needed to do the installation, to do a 11:52:35
3 configuration, to administer the product in 11:52:42
4 aspects of stopping, starting, restarting and -- 11:52:52
5 and also for -- and a lot of the troubleshooting 11:53:00
6 tool. It was considered important for 11:53:04
7 troubleshooting aspects, whereas looking to see 11:53:07
8 how the box was performing, seeing if there were 11:53:11
9 errors, faults, those sorts of things. 11:53:15

10 Q. So there were OA&M tools in unified 11:53:19
11 messaging. I take it that there were also -- or 11:53:23
12 that there are also OA&M tools outside of the 11:53:28
13 context of unified messaging in routers or 11:53:31
14 computer systems more generally? 11:53:36

15 A. Sure. Yes. 11:53:38

16 Q. Okay. And at the time you were working 11:53:39
17 at Cisco, who were your main competitors? 11:53:41

18 A. The competition -- well, whoever -- 11:53:45
19 whoever was the owner of Audix systems, as they 11:53:57
20 were the premier voice mail system at the time. 11:54:01
21 So I want to say maybe Lucent or -- I could be 11:54:08
22 wrong. Or maybe it was AT&T maybe where it 11:54:13
23 started. And I would say Comverse was the other 11:54:18
24 company that had voice mail. 11:54:24

25 Q. Okay. At the time that you were at 11:54:27

1	for a legal conclusion.	12:04:59
2	THE WITNESS: What do you mean by	12:05:00
3	"generic commands"?	12:05:04
4	BY MR. KRISHNAN:	12:05:05
5	Q. You're familiar with the term generic	12:05:06
6	commands in your patent, the '526 patent?	12:05:09
7	A. That --	12:05:11
8	MR. TUNG: Same objection.	12:05:11
9	THE WITNESS: Yeah, that -- that is	12:05:12
10	language that is nothing I use as a -- as an	12:05:14
11	engineer.	12:05:17
12	BY MR. KRISHNAN:	12:05:19
13	Q. Okay. So -- okay. Well, let's -- let's	12:05:24
14	put that aside then.	12:05:24
15	How would you say -- other than the level	12:05:26
16	at which the OA&M tools were operating, how else	12:05:31
17	would you say that the UM CLI solution that you	12:05:39
18	developed was different from the IOS CLI method	12:05:43
19	for administrating the OA&M tools?	12:05:49
20	A. The UM CLI tool -- well, besides the fact	12:05:53
21	that it worked at a different layer, the tool	12:06:02
22	could -- it had a auto completion feature, which	12:06:09
23	you could begin typing characters, and then it	12:06:15
24	would try to make the best match based on what	12:06:22
25	characters were typed. I don't believe the U --	12:06:25

1 IOS CLI had that. 12:06:31

2 The other thing that the tool allowed is 12:06:33

3 you could run it in real-time mode so that you 12:06:38

4 would get continual updates of the system, so 12:06:42

5 we -- we would -- we built in a refresh capability 12:06:46

6 so you could see as calls came in and calls 12:06:50

7 dropped and calls were in a setup phase, all 12:06:54

8 the -- all the phases. So we had a real-time 12:06:58

9 aspect. 12:07:01

10 You could also execute the CLI -- the 12:07:02

11 UM CLI tool in a -- in a mode we call singletary, 12:07:06

12 where you could just execute it as a single 12:07:11

13 command, and from the shell, and be dropped in the 12:07:14

14 shell when you -- when it -- when it ended. 12:07:17

15 So those were some -- I would say some 12:07:20

16 differences that come to mind. 12:07:23

17 Q. Okay. Any other differences? 12:07:25

18 A. No. Those are the key -- the key ones. 12:07:27

19 Q. Let's talk briefly about that -- that 12:07:45

20 auto completion or best match feature that you 12:07:52

21 were talking about. 12:07:55

22 Can you describe the functionality in 12:07:57

23 UM CLI? 12:07:59

24 A. So within UM CLI there were several 12:07:59

25 functions you could do. As I said, you could 12:08:06

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1 stop, you could start. You could watch, you could 12:08:09
2 set log levels. 12:08:13

3 So each of those functions had an 12:08:15
4 equivalent command or subcommand, and so they were 12:08:18
5 all spelled differently and they all had different 12:08:26
6 names. But occasionally you -- so -- so as you 12:08:29
7 got into the UM CLI interface, you would type your 12:08:33
8 first letter, and your first letter would be -- 12:08:40
9 let's say if it was an A, it would see if there 12:08:42
10 was any other commands that started with an A; if 12:08:44
11 they did, then it would present the -- the 12:08:47
12 following commands that were available that 12:08:52
13 started with an A. 12:08:54

14 And so then you would type a second 12:08:59
15 letter, let's say B. And if any of the commands 12:09:01
16 had a B as their second letter, it would list 12:09:05
17 those as available options. 12:09:08

18 And then once it got down to a single 12:09:09
19 option, you could hit return and then you wouldn't 12:09:13
20 have to type any more. 12:09:16

21 Q. Sounds pretty useful. 12:09:17

22 A. Yeah. We -- our fingers got tired by 12:09:19
23 then. 12:09:24

24 Q. So this was letter by letter, as you 12:09:24
25 entered a letter, the remaining available options 12:09:26

1 would -- would populate some sort of drop-down 12:09:29
2 screen or something like that? 12:09:34

3 A. Yeah. There was a pop-up box that had 12:09:36
4 the available options at that point, correct. 12:09:38

5 Q. Okay. And this was before the user ever 12:09:42
6 pressed enter; right? 12:09:44

7 This is while the user is typing in the 12:09:46
8 command the options that were still available 12:09:49
9 given the letters that had already been typed were 12:09:55
10 presented? 12:09:58

11 A. Correct. Yeah. It -- it -- I -- I also 12:09:58
12 remember that it -- if there was, let's say, a two 12:10:02
13 match -- there was two -- two subcommands that -- 12:10:07
14 that matched the letters he had typed so far, 12:10:11
15 that -- the box that appeared, I believe you could 12:10:14
16 also hit your arrow keys and select one or the 12:10:17
17 two, so you didn't have to type any more keys 12:10:23
18 still; now you could just use the arrow keys and 12:10:26
19 select what -- which one you wanted. 12:10:30

20 Q. Okay. And was there a name for that 12:10:32
21 feature? Was it auto complete? 12:10:34

22 A. I knew it as just auto complete, yeah. 12:10:36

23 Q. If I looked through the -- the Cisco 12:10:39
24 documents from that time, would it be referred to 12:10:40
25 anything other than auto complete? 12:10:43

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1 Q. Okay. Would you say that the new syntax 05:31:57
2 listed in the second column of Appendix A are 05:32:05
3 generic commands? 05:32:11
4 MR. TUNG: Object to the extent it calls 05:32:11
5 for a legal conclusion. 05:32:14
6 THE WITNESS: I -- that language, to 05:32:15
7 me -- generic command versus command would 05:32:17
8 mean the same thing. I don't see the 05:32:21
9 differentiation between the two. 05:32:23
10 BY MR. KRISHNAN: 05:32:24
11 Q. Can you explain why you see the phrase 05:32:25
12 generic command and command to mean the same 05:32:28
13 thing? 05:32:32
14 MR. TUNG: Same -- same objection. 05:32:40
15 THE WITNESS: Because I don't see the 05:32:41
16 difference between a generic command and a 05:32:43
17 specific command. They're still a -- they're 05:32:46
18 still both commands. 05:32:48
19 BY MR. KRISHNAN: 05:32:49
20 Q. Okay. Would you consider the commands in 05:32:50
21 the third column of Appendix A to be generic 05:32:53
22 commands? 05:32:58
23 MR. TUNG: The same objections. 05:32:59
24 THE WITNESS: Again, I would just refer 05:33:00
25 to them as commands. Generic command and 05:33:03

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1	command doesn't -- doesn't mean anything	05:33:10
2	different to me.	05:33:13
3	BY MR. KRISHNAN:	05:33:15
4	Q. Okay. When you read the patent	05:33:19
5	application back in 1999, did you -- do you recall	05:33:21
6	seeing the phrase 'generic commands' in the title	05:33:26
7	of this patent?	05:33:29
8	A. Yeah.	05:33:30
9	Q. Okay. And what was your thought about	05:33:31
10	use of the term "generic commands" at the time?	05:33:34
11	MR. TUNG: Objection. Vague.	05:33:38
12	THE WITNESS: It wasn't my language. It	05:33:39
13	was written by somebody else. So I didn't	05:33:42
14	know why the word "generic" was put in front	05:33:46
15	of command. But it still said "command." So	05:33:50
16	to me, that was what UM CLI was. So I might	05:33:56
17	have raised an eyebrow and that's about it.	05:34:04
18	BY MR. KRISHNAN:	05:34:07
19	Q. Do you have a -- scratch that.	05:34:10
20	Is there a way that you would describe	05:34:12
21	the -- the terms in column -- in the new syntax	05:34:15
22	column of Appendix A to distinguish them from the	05:34:25
23	commands in --	05:34:34
24	A. I would call them subcommands.	05:34:35
25	Q. Sorry. Let me re-ask the question and	05:34:37

1	then we'll --	05:34:40
2	A. Okay. Sorry.	05:34:42
3	Q. -- go there.	05:34:42
4	Is there a term that you would use to	05:34:43
5	describe the new syntax in Appendix A to	05:34:47
6	distinguish it from the old syntax column?	05:34:53
7	A. Okay. Say that one more time.	05:34:59
8	Q. Is there some other term or description	05:35:02
9	you would use to explain how the commands in the	05:35:05
10	second column of Appendix A are different from the	05:35:10
11	commands in the third column of Appendix A?	05:35:16
12	A. I think new syntax and old command line	05:35:22
13	syntax describes it quite well.	05:35:28
14	Q. Okay. But what about in terms of the	05:35:30
15	nature of the choice of command words, do you have	05:35:36
16	any way in mind for describing those types of	05:35:42
17	commands as being different qualitatively from the	05:35:48
18	old --	05:35:52
19	MR. TUNG: Objection --	05:35:52
20	BY MR. KRISHNAN:	05:35:52
21	Q. -- command syntax?	05:35:53
22	A. I -- I don't know --	05:35:54
23	MR. TUNG: Hold on. Objection. Vague.	05:35:54
24	Go ahead.	05:35:57
25	THE WITNESS: I don't know what you mean	05:35:57

1	by "nature of the command." I don't	05:36:01
2	understand the question.	05:36:06
3	BY MR. KRISHNAN:	05:36:07
4	Q. Okay. Is there any way that you would	05:36:08
5	describe the nature of the commands in the new	05:36:12
6	syntax column as qualitatively different from the	05:36:15
7	commands in the old syntax column?	05:36:21
8	MR. TUNG: Objection. Vague.	05:36:23
9	THE WITNESS: I can only describe that	05:36:28
10	the UM CLI tool and these commands in the	05:36:35
11	second column were easier to remember, and	05:36:39
12	there were less of them, and there was -- they	05:36:47
13	were shorter in most cases. So they used	05:36:54
14	English language. That's -- and, thus, using	05:37:06
15	English language and spaces instead of dashes	05:37:20
16	would be easier to remember and to type.	05:37:29
17	BY MR. KRISHNAN:	05:37:34
18	Q. Is there any set of simple guidelines	05:37:34
19	that you could give for someone who's trying to	05:37:38
20	develop a new syntax from an old syntax to --	05:37:43
21	to -- that would capture the concept of -- of the	05:37:52
22	generic command?	05:37:55
23	MR. TUNG: Objection. Vague. And	05:37:57
24	objection, calls for a legal conclusion.	05:38:00
25	THE WITNESS: The guidelines that I	05:38:06